

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/23/09

GINO MIDDLETON,

Plaintiff,

- against -

DISCOVERY PLAN

THE CITY OF NEW YORK, et. al.,

Defendants.

09 CV 2013 [KMW]

DISCOVERY PLAN PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26 (f)

Pursuant to Federal Rule of Civil Procedure 26 (f), during a conference on December 10, 2009, between counsel for Plaintiff Gino Middleton and counsel for Defendant The City of New York and Police Officers John Does 1-4, counsel for the parties discussed and agreed to the following discovery plan:

(1) The parties shall exchange the initial disclosures required under Federal Rule of Civil Procedure 26 (a) (1) no later than December 24, 2009.

(2) Both plaintiff and defendant shall serve their first request for production of documents pursuant to Federal Rule of Civil Procedure 34, no later than December 31, 2009.

(3) Both plaintiff and defendant shall serve their notices of deposition, pursuant to Federal Rule of Civil Procedure 30, no later than December 31, 2009. Plaintiff anticipates deposing (a) Sergeant Flavio Rodriguez; (b) Police Officer Angelica Salmeron and (c) any subsequently identified John Doe Defendant. Defendant anticipates deposing (a) Gino Middleton and (b) any expert designated by plaintiff.

(4) Depositions of the parties shall commence after January 15, 2010 at mutually convenient dates and times, without prejudice to either party conducting a non-party deposition beforehand at a mutually convenient date, time and place.

(5) Both plaintiff and defendant shall serve subpoenas upon any third party witnesses no later than February 1, 2010 seeking the production of documents and/or depositions.

(6) Plaintiff shall serve his expert's report upon defendants, pursuant to Federal Rule of Civil Procedure 26 (a)(2), no later than January 31, 2010. The report shall set forth the facts on which the expert relied and the process of reasoning by which the expert's conclusions are reached.

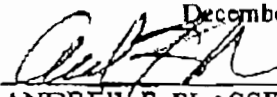
(7) Defendant shall serve its expert rebuttal report upon plaintiff, pursuant to Federal Rule of Civil Procedure 26 (a) (2) no later than March 2, 2010.

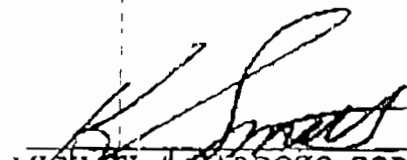
(8) Deposition of the experts shall begin in time to be completed no later than February 15, 2010 for plaintiff's expert and March 10, 2010 for defendant's expert.

(9) All discovery shall be complete by March 10, 2010.

(10) The parties may seek to schedule additional discovery as necessary, so long as it is completed by March 10, 2010.

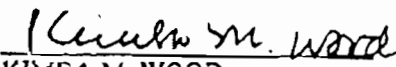
DATED: New York, New York  
December 22, 2009

  
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SO ORDERED:

DATED: New York, New York  
December 23, 2009

  
KIMBA M. WOOD  
United States District Judge